

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor,

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEGACY CAPITAL LTD. and KHRONOS LLC,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 10-05286 (SMB)

**DECLARATION OF NICHOLAS F. KAJON IN OPPOSITION TO
THE TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

I, NICHOLAS F. KAJON, hereby certify:

1. I am a Shareholder at Stevens & Lee, P.C., counsel for Defendant Legacy Capital, LTD (“Legacy”).
2. Annexed hereto as **Exhibit A** is a true and correct copy of Transcript of the November 9, 2017 deposition of Bernard L. Madoff.

3. Annexed hereto as **Exhibit B** is a true and correct copy of Transcript of the May 26, 2017 deposition of Bernard L. Madoff.
4. Annexed hereto as **Exhibit C** is a true and correct copy of *Picard v. Lowrey, et al.*, 18 civ. 5381 (PAE) decided February 7, 2019.
5. Annexed hereto as **Exhibit D** is a true and correct copy of *Gowan v. Amaranth Advisors L.L.C. (In re Dreier LLP)* Case No. 08-15051 (SMB), 2014 WL 47774 (Bankr. S.D.N.Y. 2014).
6. Annexed hereto as **Exhibit E** is a true and correct copy of *Ritchie Cap. Mgmt., LLC v. Stoebner*, Civ. No. 12-3038 (SRN), 2013 WL 2455981 (D. Minn. June 6, 2013)
7. Annexed hereto as **Exhibit F** is a true and correct copy of *In re Tribune Co. Fraudulent Conveyance Litig.*, No. 11-MD-2296 (RJS), 2018 WL 6329139 (S.D.N.Y. Nov. 30, 2018), *reconsideration denied*, No. 11MD2296 (DLC), 2019 WL 549380 (S.D.N.Y. Feb. 12, 2019).
8. Annexed hereto as **Exhibit G** is a true and correct copy of *In re Tribune Co. Fraudulent Conveyance Litig.*, No. 11MD2296 (DLC), 2019 WL 294807 (S.D.N.Y. Jan. 23, 2019).
9. Annexed hereto as **Exhibit H** is a true and correct copy of *Sec. Inv. Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Proc. No. 10-04946 (SMB), 2018 WL 3078149 (Bank. S.D.N.Y. June 19, 2018).

10. Annexed hereto as **Exhibit I** is a true and correct copy of *Sec. Inv. Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Proc. No. 08-01789 (SMB), 2018 WL 1442312 (Bank. S.D.N.Y. March 22, 2018).

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief. I am aware that if any of the foregoing is willfully false, I am subject to punishment.

Dated: March 1, 2019

By: /s/ Nicholas F. Kajon
Nicholas F. Kajon, Esq.